

SECTION 1000: PROPERTY OWNER ACTIONS NOT CONSTITUTING A SUBDIVISION

Section 1001—Intent:

It is the intent of this Ordinance, and this Section, that actions proposed to be taken by a property owner be reviewed by the Town to insure such actions do not constitute a “Subdivision”, as provided by Section 106 herein, and the Act, and to insure compliance with all other requirements of this Ordinance, and the Act.

Section 1002—Property Owner Actions – Not Constituting a Subdivision:

The following property owner actions shall be reviewed by the Town Planner, as provided by this Section:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use Ordinance.
2. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not violate applicable Land Use Ordinances of Vineyard Town.
3. A recorded document, executed by the owner of record:
 - a. Revising the legal description of more than one (1) contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable Land Use Ordinances of Vineyard Town.
4. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a. No new dwelling lot or housing unit will result from the adjustment; and
 - b. The adjustment will not violate any applicable Land Use Ordinance.

5. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” under the Act as to the unsubdivided parcel of property or subject the unsubdivided parcel to this Ordinance.

Section 1003—Materials to be Provided by Property Owner:

The property owner shall provide to the Town Planner a legal description, deed, or other legal instrument required for the purposes of sale, assignment, or other transfer of property, and a map identifying the action proposed by the property owner, such map clearly identifying the number of existing and proposed parcels and all existing easements located on the property. The property owner shall provide to the Town Planner, all other information, and materials, requested and required by the Town Planner to insure compliance with this Section and the Land Use Ordinances of the Town.

Section 1004—Review Procedures:

The Town Planner is identified and authorized as the Land Use Authority to review and accept property owner actions, identified by Section 1002 herein, to insure compliance with the requirements of this Ordinance, and the Act.

The Town Planner shall address the following items prior to providing a “Section 1000 – Notice of Compliance,” as provided by Section 1005, herein.

1. **No New Parcels Are Created.** The Planner shall review the existing and proposed legal description of the entire property, and all parcels, and determine, from the information provided, that no additional parcels are proposed, or will be created. The number of parcels shall not exceed the total number of legal lots of record, as identified by the Tax Identification Number(s) as provided by the Office of the Utah County Assessor and recorded in the Office of the Utah County Recorder prior to February 26, 1992.
2. **All Existing Easements Are Preserved.** All existing easements shall be preserved and protected with the location, size, and use of all existing easements identified.
3. **No Dedications Proposed.** No dedications for any public or quasi-public infrastructure, utilities, or facilities shall be proposed or provided.
4. **All New Parcels Must Comply with Zoning Requirements.** All parcels shall comply, as a minimum, with the minimum requirements of the Zoning District in which the parcels are located.

Section 1005—Notice of Compliance:

Following a review of the materials, and a determination by the Planner that the proposed actions do not constitute a “Subdivision”, as provided by Section 106 herein, and the requirements of Section 1003 have been met, the Planner shall issue a “Section 1000 – Notice of Compliance.” Such notice shall be provided to the property owner, and shall identify that the actions proposed by the property owner comply with this Ordinance and this Section. Failure of the property owner to comply with the requirements of this Ordinance, and this Section, shall preclude the Planner from issuing a Notice of Compliance.

Section 1006—Effect of Section 1000 – Notice of Compliance:

A Section 1000 – Notice of Compliance, issued by the Town Planner, shall be limited to insuring the action proposed by the property owner complies with the requirements of the Land Use Ordinances of the Town, including, but not limited, to Section 1002 and Section 1004 herein. A Notice of Compliance shall not be construed to authorize any subdivision, as provided and required by this Ordinance, or any division or development of land.

A Section 1000 – Notice of Compliance may be used by the property owner to insure compliance with the requirements of the Land Use Ordinances of Vineyard Town for the purposes of sale, assignment, or other transfer of property located within the Town. A Notice of Compliance does not create any additional development rights for any parcels. The creation of additional development rights, including the creation of buildable lots and parcels, shall occur at the time a Land Use Application is approved for the creation of such buildable lots and parcels, as provided by the Land Use Ordinances of the Town.

Section 1007—Appeal of Decisions made by Planner:

Any person(s) aggrieved by a decision of the Town Planner may appeal the Planner’s decision to the Commission, as provided by Chapter 26 of the Vineyard Town Zoning Ordinance.